

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Children, Families, and Elder Affairs Committee

BILL: SB 2244

INTRODUCER: Children, Families, and Elder Affairs and Senator Storms

SUBJECT: Independent Living Transition Services

DATE: March 25, 2010 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Preston	Walsh	CF	Favorable
2.	_____	_____	HA	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill requires the Auditor General to perform an operational audit, as defined in s. 11.45(1), F.S., of the independent living transition services program administered by the Department of Children and Family Services (DCF or department). The audit shall include examination of the provision of preindependent living services, life skills services, subsidized independent living services, aftercare support services, the Road-to-Independence Program, and transitional support services by the department and its lead agencies and providers. The results of the audit are to be reported no later than January 15, 2011.

The bill requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to evaluate the independent living transition services program, including how the department and lead agencies plan, design, deliver, and oversee the program. The results of the evaluation are to be reported by January 15, 2011.

II. Present Situation:

Background

Each year thousands of youth leave state foster care systems because they reach the age of 18 and are no longer eligible for out-of-home care. Since the early 1980's, research and anecdotal evidence have indicated that many of these young adults experience numerous difficulties in their attempts to achieve self-sufficiency. When compared to young adults with no exposure to the child welfare system, former foster youth are less likely to earn a high school diploma or

GED and subsequently, have lower rates of college attendance.¹ They suffer more from mental health problems; have a higher rate of involvement with the criminal justice system; are more likely to have a difficult time achieving financial independence, thus increasing their reliance on public assistance; and experience high rates of housing instability and homelessness.²

The federal government responded to the needs of foster care youth who age out by enacting the Foster Care Independence Act of 1999 (known as the CFCIP or the Chafee Act).³ The Chafee Act provides states with flexible funding that enables programs to be designed and implemented to:

- Identify and assist youths who are likely to remain in foster care until 18 years of age;
- Provide education, training, and services necessary to obtain employment for those youths;
- Prepare those youths to enter postsecondary training and education institutions; and
- Provide support through mentors and the promotion of interactions with dedicated adults.⁴

Age restrictions were also eliminated, allowing states to offer independent living services to youth earlier than age 16.⁵ The Chafee Act grants wide discretion to the states, allowing them to set their own criteria regarding which foster care youths receive services.⁶ However, states must use objective criteria for determining eligibility for benefits and services under the programs and for ensuring fair and equitable treatment of benefit recipients.⁷

With the enactment of federal legislation and increased available funding, the 2002 Florida Legislature established a new framework for the state's independent living transition services to be provided to older youth in foster care.⁸ Specifically provided for was a continuum of independent living transition services to enable youth who are 13 to 17 years of age and in foster care to develop the skills necessary for successful transition to adulthood and self-sufficiency. Service categories established for minors in foster care include the following:⁹

¹ Courtney, M.A. and Heuring, D.H. (2005). The Transition to Adulthood for Youth "Aging Out" of the Foster Care System. In Osgood, D.W., Foster, E.M., Flanagan, C. & Ruth G.R. (Eds.), *On Your Own Without a Net: The Transition to Adulthood for Vulnerable Populations*. (pp. 33-34). Chicago, Illinois: The University of Chicago Press.

² *Id.* (pp.36-40).

³ Public Law No. 106-169, 113 Stat. 1822 (1999). Federal funds for independent living initiatives were first made available under the Consolidated Omnibus Budget Reconciliation Act of 1985.

⁴ 42 U.S.C. § 677(2002).

⁵ 42 U.S.C. § 677(b)(2)(C) (2002).

⁶ 42 U.S.C. § 677(b)(2).

⁷ 42 U.S.C. § 677(b)(2)(E).

⁸ The department provided independent living services to older youth in foster care prior to the creation of s. 409.1451, F.S., with provisions for those services appearing in a number of sections of Florida Statutes, including s. 409.145, F.S., relating to care of children (2001), and 409.165, F.S., relating to alternative care of children (2001).

⁹ Section 409.1451(4), F.S. The legislation also contained provisions for young adults who are 18 to 23 years of age who were formerly in foster care, including aftercare services, the Road-to-Independence Program, and transitional support services. *See* s. 409.1451(5), F.S.

CATEGORIES OF SERVICES	SERVICES INCLUDED	ELIGIBILITY
Pre-independent living services	Life skills training, educational field trips and conferences.	13 and 14 year olds.
Life skills services	Training to develop banking and budgeting skills, parenting skills, and time management and organizational skills, educational support, employment training, and counseling.	15,16, and 17 year olds.
Subsidized independent living services	Living arrangements that allow the child to live independently of the daily care and supervision of an adult in a setting that is not required to be licensed under s. 409.175, F.S.	16 and 17 year olds demonstrating IL skills.

While attention to the needs of children who age out of foster care has increased significantly over the past decade, the services intended to help prepare them to live independently upon aging out of the system appear to remain limited and fragmented.¹⁰ Concerns continue to be raised as to whether those services are adequate to prepare foster youth to live independently as adults, whether all eligible youth are being served, and whether the direction and oversight of community-based care lead agencies and providers are sufficient to ensure that the goals of the program are being met.¹¹ These concerns, coupled with the May 2009 death of an infant whose mother was a 17 year old foster child, resulted in an interim project by the Senate Committee on Children, Families, and Elder Affairs relating to the provision of independent living transition services to minors.¹²

Interim Project Findings

According to DCF, the provision of preindependent living services and life skills services for minors is not being tracked by the Florida Safe Families Network (FSFN). The department reported that when FSFN R2c is released these services should be captured in FSFN.¹³ In the absence of FSFN data related to these services, the project relied on information and data from other sources.

¹⁰ Report of Independent Living Services for Florida’s Foster Youth (2008). Independent Living Services Advisory Council. (p. 6). Available at <http://www.dcf.state.fl.us/incliving/docs/AdvisoryCouncil/2008%20ILSAC%20Report.pdf>. (Last visited September 20, 2009); Improved Fiscal and Quality Oversight Is Needed for the Independent Living Program, Office of Program Policy Analysis and Government Accountability, Report No. 07-11. February 2007; and The Independent Living Transitional Services Critical Checklist (2008). Available at http://www.dcf.state.fl.us/incliving/docs/ILSurveyChartbook20090105_AdvanceCopy.pdf. (Last visited September 20, 2009.)

¹¹ *Id.*

¹² The Florida Senate, Committee on Children, Families, and Elder Affairs, Interim Report 2010-105, *Review of the Provisions of Independent Living Services to Minors*. November 2009. Available at http://www.flsenate.gov/data/Publications/2010/Senate/reports/interim_reports/pdf/2010-105cf.pdf (Last visited February 12, 2010).

¹³ According to information received from the Department of Children and Family Services Office of Legislative Affairs, on January 26, 2010, FSFN release 2b which was implemented in August 2009, provided an Independent Living Record to capture academic and life skills progress, normalcy plan, subsidized independent living, Road-to-Independence and transitional/aftercare support services, and appeal information, for a case participant. While the use of the Independent Living Record is available, the baseline data shows that it is inconsistently used throughout the state.

Office of Program Policy and Government Accountability (OPPAGA) Reports

OPPAGA has reviewed and evaluated the independent living transition services program three times since 2004 and has reported and recommended the following:

- Minimum standards for independent living services in the areas of life skills, housing, education, employment, health, aftercare and transitional services, training, and data collection and evaluation, were recommended.¹⁴
- CBC contracts have not established minimum standards of care for independent living programs and do not specifically require community providers to meet minimum standards for independent living, and quality management processes have not ensured that providers are delivering quality services.¹⁵
- Improvement in fiscal oversight of the independent living program is needed to ensure that program resources are used as intended and in compliance with state and federal guidelines. Lack of information hinders the department's ability to provide oversight and assess the quality and level of independent living services. As a result, neither DCF nor the CBCs can readily determine if foster youth receive the required independent living transition services.¹⁶

Independent Living Services Advisory Council (ILSAC)

When the Florida legislature established a new framework for Florida's independent living transition services in 2002, the legislation provided for the creation of an independent living services integration workgroup tasked with assessing the implementation and operation of the redesigned program.¹⁷ The 2008 ILSAC report stated:

In our 2006 report, the ILSAC developed a set of youth outcome measures that we encouraged the department to adopt and integrate. It was our expectation, the

¹⁴ Project required by Chapter 2004-362(5), L.O.F. Independent Living Minimum Standards Recommended for Children in Foster Care, Office of Program Policy Analysis and Government Accountability, Report No. 04-78. November 2004. Available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0478rpt.pdf>.

(Last visited September 14, 2009). The report emphasized that providers should not only track program results, but also how many youth they are reaching. At a minimum, the success of a provider's program should be based on how well foster youth progress on three major variables: education, life skills, and employment. Without minimum skills in these three areas, foster youth cannot hope to live self-sufficiently.

¹⁵ Improvements in Independent Living Services Will Better Assist State's Struggling Youth, Office of Program Policy Analysis and Government Accountability, Report No. 05-61. December 2005. Available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0561rpt.pdf>.

(Last visited September 14, 2009).

¹⁶ Improved Fiscal and Quality Oversight Is Needed for the Independent Living Program, Office of Program Policy Analysis and Government Accountability, Report No. 07-11. February 2007. Available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0711rpt.pdf>.

(Last visited September 14, 2009). The evaluation also determined that DCF had not finished developing contractual standards and outcome measures for independent living services, as required by law, but had made some progress. See Chapter 2006-25, L.O.F. p. 83.

¹⁷ Section 409.1451, F.S. In 2004, the workgroup became the Independent Living Services Advisory Council.

legislature and the Department would find elements of the baseline data so alarming that a sense of urgency and call to action would result in the immediate establishment of youth outcome measures and benchmarks in every community based care contract... In the last year, we still have not identified and established Florida’s standard of acceptable youth outcome levels; and those acceptable youth outcomes have not been incorporated into CBC contracts. We do believe that DCF is not satisfied or accepting of the progress made and we also recognize that the wheels are sometimes slow in turning.¹⁸

The report summarizes 18 ILSAC recommendations from 2006 and 2007 and the implementation status of those recommendations by the department: six recommendations have not been achieved; six have been partially achieved; two are “in progress”; and four are “in progress: DCF priority issue for 2009-2010.”¹⁹

Independent Living Transitional Services Critical Checklist

In 2007, the Department began conducting an annual survey of youth in foster care and young adults formerly in foster care. The 2008 survey is a compilation of results from over 8,800 surveys.²⁰ The results for some categories within the survey for Leon, Hillsborough, and Brevard counties are in the following table.

MEASURE	LEON COUNTY ²¹	HILLSBOROUGH COUNTY ²²	BREVARD COUNTY ²³
CBC reports youth has completed a current and age appropriate standardized life skills assessment within the last 12 months. ²⁴	73%	83%	71%
CBC reports youth has received services for areas identified by the life skills assessment as deficiencies.	21% yes 41% part	49% yes 48% partially	36% yes 30% partially
Youth reports he or she has a written plan for participation in age appropriate activities. ²⁵	23%	58%	80%
Youth, as determined by their school, is at or above grade level.	34%	63%	58%

¹⁸ Report of Independent Living Services for Florida’s Foster Youth (2008). Independent Living Services Advisory Council. (p. 6). Available at <http://www.dcf.state.fl.us/indliving/docs/AdvisoryCouncil/2008%20ILSAC%20Report.pdf>. (Last visited September 20, 2009).

¹⁹ *Id.*

²⁰ Independent Living Transitional Services Critical Checklist. (2008). The checklist contains information from three surveys: youth ages 13-17, young adults ages 18-22, and caseworkers for the 13-17 year olds. Available at http://www.dcf.state.fl.us/indliving/docs/ILSurveyChartbook20090105_AdvanceCopy.pdf. (Last visited September 20, 2009).

²¹ Received from State Independent Living Coordinator, Department of Children and Family Services Office of Family Safety on September 17, 2009. “Leon County” for purposes of this chart also includes Jefferson, Gadsden, Liberty, Franklin, and Wakulla counties. The lead agency serving this area is Big Bend Community Based Care, Inc.(East). As of June 30, 2009 Leon County had 66 youth aged 13-17 in licensed care.

²² *Id.* The lead agency serving this area is Hillsborough Kids, Inc. As of June 30, 2009 Hillsborough County had 289 youth aged 13-17 in licensed care.

²³ *Id.* The lead agency serving this area is Brevard Family Partnership. As of June 30, 2009 Brevard County had 78 youth aged 13-17 in licensed care.

²⁴ The standardized life skills assessment for purposes of this survey is the pre-independent living assessment provided at age 13-14, the independent life skills assessment provided at age 15 or 16, and the independent living assessment provided at page 17. These assessments are statutorily required. *See* s. 409.1451(4), F.S.

²⁵ Written plan is statutorily required. *See* s. 409.1451(3), F.S.

CBC reports youth has passed grade level FCAT.	42%	66%	61%
CBC reports youth has an educational and career path which has been developed into a written plan. ²⁶	35%	51%	36%
CBC reports youth’s educational and career path plan has been filed with the court. ²⁷	33%	47%	16%
Youth reports an opportunity to participate in job training.	23%	25%	24%
CBC reports youth has successfully completed a driver’s education course. (Ages 15-17)	11%	8%	10%
CBC reports youth has signed independent living transition plan and it has been filed with the court.	55%	75%	40%
Youth reports being involved in developing case plan.	43%	53%	63%
CBC reports youth being connected with an adult mentor in the community.	32%	37%	66%

The 2008 ILSAC report commented that “while we recognize the great accomplishment of the Department in their efforts to collect baseline data on over 7,000 youth and young adults in 2007 – the baseline data indicates significant areas of deficit in both youth achievement and CBC service delivery practice.”²⁸ A comparison of results contained in the 2007 and 2008 checklists appears to indicate that there is no definitive pattern of improvement in any of the three counties included in the chart. Statewide averages for these categories varied considerably, with Hillsborough and Brevard Counties performing slightly above the statewide average in most categories and Leon County performing below the statewide average in most categories.²⁹

Funding for Independent Living Transition Services

For Fiscal Year 2008-2009, the department budget for the Independent Living Transition Services Program was \$31.7 million. The program was \$6.8 million over budget, with \$38.5 million being expended as follows:

Admin and Support	Subsidized Independent Living	Road to Independence Program	Transitional Services	Aftercare Services
\$8,834,560	\$833,921	\$23,390,749	\$4,349,971	\$1,056,032

With the exception of administration and support and subsidized independent living services, funding designated for independent living services was spent on former foster care youth ages 18-22. The CBC lead agencies have the discretion to cover any deficit, as well as services provided to youth ages 13-17, out of other contract dollars.³⁰

²⁶ Educational and career path plan is statutorily required. See s. 409.1451(3), F.S.

²⁷ The statute requires the educational and career path plan to be developed for each child in foster care who has reached 13 years of age. This path plan is to be included as part of the case plan and reviewed at each judicial hearing. See s. 409.1451(3)(b)1., F.S.

²⁸ Report of Independent Living Services for Florida’s Foster Youth (2008). Independent Living Services Advisory Council. (p. 6). Available at <http://www.dcf.state.fl.us/indliving/docs/AdvisoryCouncil/2008%20ILSAC%20Report.pdf>. (Last visited September 20, 2009).

²⁹ Independent Living Transitional Services Critical Checklist. (2008). The checklist contains information from three surveys: youth ages 13-17, young adults ages 18-22, and caseworkers for the 13-17 year olds. Available at http://www.dcf.state.fl.us/indliving/docs/ILSurveyChartbook20090105_AdvanceCopy.pdf. Last visited September 20, 2009.

³⁰ Received from State Independent Living Coordinator, Department of Children and Family Services Office of Family Safety on September 17, 2009.

For fiscal year 2009-2010, \$35.6 million has been budgeted for the Independent Living Transition Services Program from a number of sources.³¹ This represents a \$3.9 million increase in the budget from fiscal year 2008-2009, but is \$2.9 million less than was actually spent in fiscal year 2008-2009.

FEDERAL		STATE			
Chafee ILP	Chafee ETV	Chafee ILP Match	Chafee ETV Match	General Revenue	Title IV-E
\$7,046,049	\$2,396,966	\$1,761,513	\$599,241	\$21,303,202	\$2,495,646

The department anticipates spending \$48.4 billion on the Independent Living Transition Services Program for fiscal year 2009-2010.³²

III. Effect of Proposed Changes:

The bill requires the Auditor General to perform an operational audit, as defined in s. 11.45(1), F.S., of all of the components of the independent living transition services program administered by the Department of Children and Family Services (DCF or department). An operational audit is a financial-related audit to evaluate management's performance in administering assigned responsibilities in accordance with applicable laws, administrative rules, and other guidelines and to determine the extent to which the internal control, as designed and placed in operation, promotes and encourages the achievement of management's control objectives in the categories of compliance, economic and efficient operations, reliability of financial records and reports, and safeguarding of assets. The results of the audit are to be reported no later than January 15, 2011.

The bill requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to evaluate the independent living transition services program, including how the department and lead agencies plan, design, deliver, and oversee the program. The results of the evaluation are to be reported by January 15, 2011.

The audit and evaluation will provide the legislature more information relating to all aspects of the independent living transition services program, if and when statutory changes are contemplated.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

³¹ *Id.*

³² As reported by the Department of Children and Family Services, Office of Budget Services, February 2, 2010.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.